

December 9, 2020

Dear Mayor and Council,

The Zilker Neighborhood Association (ZNA) remains opposed to the Schlotzsky PUD rezoning. The just-released ordinance does not incorporate any of the input that we have provided. Additionally, the draft ordinance contains changes that were never presented in the two years this project has been wending its way through meetings with stakeholders and public hearings.

The ordinance specifically proposes a 5,000 sf area designated as a cocktail lounge use that has never before been mentioned. As you know, Cocktail Lounge zoning is one of the biggest traffic and parking generators of all the zoning categories, yet this was not taken into consideration in the TIA. The traffic and required parking generated by a 5,000 sf cocktail lounge is significantly greater than that generated by retail or even a restaurant of similar size. This project should not move forward until a new TIA is made.

There are other allowable uses designated in Exhibit B to the ordinance that seem inappropriate for this site. Although, the current developer is not proposing most of these uses right now, if this zoning is passed and the project falls through, another developer could decide to build a project consisting entirely of one or more of these uses.

Other ZNA concerns that were expressed in our past comments that have not been addressed include, but are not limited to, the following:

#### Open Space

The staff has not addressed our October 31, 2020 Open Space comments at all. We believe there is only 15.9% open space based on the Open Space regulations. Even if the City staff ignores these regulations, they have still concluded in their staff report that this project only contains 38% open space which, incidentally, includes the loading area (see attached site plan). The ordinance requires 40% public open space. It is difficult to understand why the staff recommends approval of this ordinance when the project does not meet the ordinance based on the staff's own report.

#### Setbacks

The developer originally requested a reduction of setbacks to zero feet because of the subsurface garage. It appears that in the ordinance exhibit that the developer is now only requesting a reduction in setbacks from 25 feet to 5 feet for the side and front yards although it is not specifically referenced in Part 13.A. It is presumably included in Part 13.A.6, but ZNA believes all modified site development regulations encompassed by Part 13.A.6 should be specifically stated under Part 13.A so they are clear to the public and not hidden in the small print of an exhibit.

#### Distinctive Rooftop

The developer has not provided for a distinctive rooftop in direct conflict with the Waterfront Overlay requirements.

#### Natural Building Materials

The developer appears to be planning an all-glass building in direct conflict with the Waterfront Overlay requirements that natural building materials be used.

### Spot Zoning

Up until now, the justification for avoiding the PUD Ordinance requirement has been the "special circumstance" of merely being in the Waterfront Overlay. The proposed zoning ordinance changes that reasoning to say that no special circumstance is even needed. This circumvention of the PUD ordinance illustrates the spot zoning nature of this project. Butler Shores needs comprehensive planning, not one-off small rezoning projects.

### Absence of Residential Units and Affordability

The goals in the Town Lake Corridor Study, which the Waterfront Overlay is intended to implement, are being ignored. For example, the Town Lake Corridor Study states that an office complex is "not appropriate" in the Butler Shores sub-district. Whatever is built here should include at least 101 residential units, with 10% of them available at 60% MFI, onsite. That reflects a minimum yield of 80 dwelling units per acre ( $1.263 \text{ ac} \times 80 = 101$ ) and the affordability criteria that apply in ZNA's existing VMU overlay.

### Insufficient Superiority

In our July 24, 2020 comments to City Council and staff, we pointed out how many of the purported superiority items were not superior at all. To date, these comments still have not been addressed. ZNA continues to believe that this project comes nowhere close to providing a superior development which would justify PUD zoning. In fact, we believe the project is inferior based on the number of site development regulations being modified by Part 13.A of the ordinance.

ZNA urges the City Council to disapprove this ordinance on second reading as being inconsistent with the goals of the PUD and Waterfront Overlay ordinances and the Town Lake Corridor Study. However, if it is approved on second reading, it should not be approved on third reading without the ZNA comments being adequately addressed.

Respectfully,

Dave Piper  
President, Zilker Neighborhood Association

# Illustration of Ground Level Spaces (based on drawings in applicant's submittals)



Subsurface garage will destroy 13% of heritage tree critical root zone

- Vegetated Area (uncovered; 7,586 sf)
- Vegetated Area (under building overhang; 1,523 sf)
- Hardscape (uncovered; 7,469 sf)
- Hardscape (under building overhang; 4,632 sf)
- Building Space (pedestrian-oriented; 14,092 sf)
- Building Space (other; 9,560 sf)
- Other Concrete/Pavers/Intakes (not open space; 10,030 sf)

- Public Plaza and Art Gallery outlined in Draft Ordinance Exhibit B
- Outline of building above first floor
- Outline of street yard area

Total Site Area = 54,896 sq ft

- Critical root zone of heritage tree
- Qualifying Private Common Open Space (8,712 sf)
- Non-Qualifying/Non-Credited Open Space in Streetyard (7,913 sf)

Numbers shown are square footages based on applicant's drawings (estimated, but probably within 0.5% of the actual numbers)